

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

CUSTOMER NUMBER: 32256

Form PTO 1390 (REV 01-2003) TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. §371		<i>Attorney's Docket Number</i> 358275.30008
		<i>U.S. Application Number (if known)</i> 10/577375
<i>International Application Number</i> PCT/JP2004/016088	<i>International Filing Date</i> 29 October 2004	<i>Priority Date Claimed</i> 29 October 2003
<i>Title of Invention</i> FUNGUS HAVING ACTIVITY OF CONTROLLING DISEASE OF GRAMINEOUS PLANT, CONTROLLING AGENT USING THE SAME, METHOD OF CONTROLLING AND BIOLOGICAL MATERIAL		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. §371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. §371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. §371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. §371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. §371(c)(3)). 9. <input type="checkbox"/> An executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)). <p><i>Items 11 to 20 below concern other document(s) or information included:</i></p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. §1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> (1) Copy of Published International Application (WO2005/040358A1) with International Search Report; (2) English translation of International Search Report; (3) PCT Request; (4) PCT/IB/306; (5) PCT Demand; (6) Form PCT/IB/301; (7) Form PCT/IB/304; (8) Form PCT/IB/308 (first and second and supplementary notice) (9) IPE Report (PCT/IPEA/409) (10) English translation of Amended Claims under Article 34; (11) English translation of Receipt of Deposit (FERM BP-08515, FERM BP-08516 and FERM BP-08517). 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/577375		INTERNATIONAL APPLICATION NO. PCT/JP2004/016088		ATTORNEY'S DOCKET NUMBER 358275.30008	
				Applicant use	Office use only
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee			\$300.00	\$300.00	
<input checked="" type="checkbox"/> b) Examination fee			\$200.00	\$200.00	
<input checked="" type="checkbox"/> c) Search fee			\$500.00	\$500.00	
TOTAL OF ABOVE CALCULATIONS =			\$1,000.00	\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
20 - 100=	0/50 =	0	x \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. §1.492(e)). \$0.00					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		20-20	0	x \$50.00	\$0.00
Independent Claims		11-3	8	x \$200.00	\$1,600.00
Multiple Dependant Claims (if applicable)				+ 360.00	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$2,600.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2 \$0.00					
SUBTOTAL = \$0.00					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. §1.492(f)). \$0.00					
TOTAL NATIONAL FEE = \$0.00					
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property \$0.00					
TOTAL FEES ENCLOSED = \$2,600.00					
Amount to be Refunded: \$					
Amount to be charged \$					
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$2,600.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account Number 50-0622 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 50 0622. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
Note: Where an appropriate time limit under 37 C.F.R. §1.495 has not been met, a petition to revive (37 C.F.R. §1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
Respectfully submitted,  Mark R. Shanks Registration Number 33,781					
REED SMITH LLP 3110 Fairview Park Drive Suite 1400 Falls Church, VA 22042 (703) 641-4200 April 27, 2006					